

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

Michael Joseph Bergeron, Jr.

v.

Civil No. 18-cv-526-SM

State of New Hampshire

**REPORT AND RECOMMENDATION**

Plaintiff Michael Joseph Bergeron, Jr., proceeding in forma pauperis, has filed a Complaint, doc. No. 1, that is before this court for preliminary review, pursuant to LR 4.3(d) and 28 U.S.C. § 1915(e)(2).

**I. Preliminary Review Standard**

The magistrate judge conducts a preliminary review of pleadings filed in forma pauperis. See LR 4.3(d). The magistrate judge may recommend to the district judge that one or more claims be dismissed if, among other things, the court lacks jurisdiction, a defendant is immune from the relief sought, or the complaint fails to state a claim upon which relief may be granted. See 28 U.S.C. § 1915(e)(2); LR 4.3(d). In conducting its preliminary review, the court construes pro se complaints liberally. See Erickson v. Pardus, 551 U.S. 89, 94 (2007) (per curiam). The complaint must contain sufficient factual matter, accepted as true, to state a claim to relief. Hernandez-Cuevas

v. Taylor, 723 F.3d 91, 102 (1st Cir. 2013) (citing Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009) (citation omitted)).

## **II. Background and Analysis**

Bergeron seeks "full annulment" of unspecified criminal records.

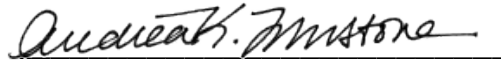
To the extent Bergeron is seeking annulment of state court convictions, the proper forum for such a request is the state sentencing court. See N.H. Rev. Stat. Ann. § 651:5, I.

While Bergeron also suggests that his rights under the United States Constitution were also violated, his allegations in this regard are vague and conclusory, and his complaint lacks specific facts which underlie the claim he seeks to assert. His complaint does not state sufficient facts which, if accepted as true, would allow the court to reasonably infer that he has asserted any colorable claim upon which relief might be granted. See Hernandez-Cuevas, 723 F.3d at 102.

## **III. Conclusion**

The district judge should dismiss this action in its entirety, based on the issues discussed herein. Any objections to this Report and Recommendation must be filed within 14 days of receipt of this notice. See Fed. R. Civ. P. 72(b)(2); LR 7.2(d). The 14-day period may be extended upon motion. Failure

to file objections within the specified time waives the right to appeal the district court's order. See Santos-Santos v. Torres-Centeno, 842 F.3d 163, 168 (1st Cir. 2016).

A handwritten signature in black ink, reading "Andrea K. Johnstone", written over a horizontal line.

Andrea K. Johnstone  
United States Magistrate Judge

December 3, 2018

cc: Michael Joseph Bergeron, Jr., pro se